

E N R O L L E D

H. B. 2625

(BY DELEGATE(S) ASHLEY AND IRELAND)
[BY REQUEST OF THE ENVIRONMENTAL
PROTECTION, DEPARTMENT OF]

[Passed March 12, 2015;
in effect ninety days from passage.]

AN ACT to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating to the Hazardous Waste Management Fee Fund, by extending its sunset provision from June 30, 2015 to June 30, 2020.

Be it enacted by the Legislature of West Virginia:

That §22-18-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 18. HAZARDOUS WASTE MANAGEMENT ACT.

§22-18-22. Appropriation of funds; Hazardous Waste Management Fund.

- 1 (a) The net proceeds of all fines, penalties and forfeitures
- 2 collected under this article shall be appropriated as directed by
- 3 section five, article XII of the Constitution of West Virginia. For
- 4 the purposes of this section, the net proceeds of the fines,

5 penalties and forfeitures are considered the proceeds remaining
6 after deducting therefrom those sums appropriated by the
7 Legislature for defraying the cost of administering this article.
8 All permit application fees collected under this article shall be
9 paid into the State Treasury into a special fund designated the
10 Hazardous Waste Management Fund. In making the appropri-
11 ation for defraying the cost of administering this article, the
12 Legislature shall first take into account the sums included in that
13 special fund prior to deducting additional sums as may be
14 needed from the fines, penalties and forfeitures collected
15 pursuant to this article.

16 (b) Effective on July 1, 2003, there is imposed an annual
17 certification fee for facilities that manage hazardous waste, as
18 defined by the federal Resource Conservation and Recovery Act,
19 as amended. The secretary shall propose a rule for legislative
20 approval in accordance with the provisions of article three,
21 chapter twenty-nine-a of this code to establish the certification
22 fee. The rule shall be a product of a negotiated rule-making
23 process with the facilities subject to the rule. The rule shall, at a
24 minimum, establish different fee rates for facilities based on
25 criteria established in the rule. The total amount of fees gener-
26 ated raise no more funds than are necessary and adequate to meet
27 the matching requirements for all federal grants which support
28 the hazardous waste management program, but shall not exceed
29 \$700,000 per year.

30 (c) The revenues collected from the annual certification fee
31 shall be deposited in the State Treasury to the credit of the
32 Hazardous Waste Management Fee Fund, which is continued.
33 Moneys of the fund, together with any interest or other return
34 earned on the fund, shall be expended to meet the matching
35 requirements of federal grant programs which support the
36 hazardous waste management program. Expenditures from the
37 fund are for the purposes set forth in this article and are not
38 authorized from collections, but are to be made only in accor-
39 dance with appropriation by the Legislature and in accordance
40 with the provisions of article three, chapter twelve of this code
41 and upon the fulfillment of the provisions set forth in article two,
42 chapter five-a of this code. Amounts collected which are found,
43 from time to time, to exceed the funds needed for purposes set

44 forth in this article may be transferred to other accounts by
45 appropriation of the Legislature.

46 (d) The fee provided in subsection (b) of this section and the
47 fund established in subsection (c) of this section shall terminate
48 on June 30, 2020. The department shall, by December 31 of each
49 year, report to the Joint Committee on Government and Finance
50 regarding moneys collected into the Hazardous Waste Manage-
51 ment Fee Fund and expenditures by the agency, including any
52 federal matching moneys received and providing an accounting
53 on the collection of the fee by type of permit activity, funds
54 being expended and current and future projected balances of the
55 fund.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

